

**Notice of Allowability**

Application No.

10/646,311

Applicant(s)

STERNS ET AL

Examiner

Kurt Fernstrom

Art Unit

3712

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☐ This communication is responsive to \_\_\_\_.
2. ☒ The allowed claim(s) is/are 20-35.
3. ☐ The drawings filed on \_\_\_\_ are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some\* c) ☐ None of the:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. ☒ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.  
(a) ☒ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached  
1) ☒ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_.  
(b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

- |   |  |
|---|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892)  | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)          |
| 2. <input checked="" type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 6. <input type="checkbox"/> Interview Summary (PTO-413),<br>Paper No./Mail Date ____ |
| 3. <input checked="" type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),<br>Paper No./Mail Date <u>8/25/03</u> | 7. <input type="checkbox"/> Examiner's Amendment/Comment                             |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br>of Biological Material                              | 8. <input type="checkbox"/> Examiner's Statement of Reasons for Allowance            |
|   | 9. <input type="checkbox"/> Other ____   |

## DETAILED ACTION

### *Allowable Subject Matter*

Claims 20-35 are allowed.

The following is an examiner's statement of reasons for allowance: The prior art fails to disclose or suggest a method or device having all of the claimed limitations. With respect to claims 20-30, the structure recited in the claims is suggested by the prior art, as discussed more fully in the parent application, 09/663,329. However, the claims are method claims which recite a method of enabling two people who speak different languages to communicate with each other. Campo Agud is directed to a teaching device and method; there is no suggestion in Campo Agud that its device could be used as a means of communication between people who speak different languages. While Renegar contains some disclosure of a communication method using its device, there is no motivation or suggestion to combine these teachings of Renegar with those of Campo Agud to create the claimed method, as the overall structures of Campo Agud and Renegar are substantially different. Also, the device of Renegar is designed to be used for oral communication, while the device of the claimed invention allows for oral and visual communication by way of its display board and cards. Thus, the claimed invention is not obvious in light of the prior art, when viewed as a whole. Claims 31-35 are allowed because of the recitation pertaining to the relative locations of the source phrase, the target phrase and the transliteration of the target phrase. Claim 31 recites that the transliteration of the target phrase is located directly beneath the

source phrase, beside the target phrase. This is useful in a communication aid, because a speaker of the first (source phrase) language can refer easily and directly to the transliteration of the target phrase to communicate a desired phrase to a speaker of a second (target phrase) language. Such a configuration is not suggested by Campo Agud or Renegar, and would not be obvious to include in a device which is used for teaching.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kurt Fernstrom whose telephone number is (703) 305-0303. The examiner can normally be reached on M-F 9:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Derris Banks can be reached on (703) 308-1745. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

KF

September 16, 2004



**KURT FERNSTROM  
PRIMARY EXAMINER**